



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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09 September 2004

### UGA42960.E

Uganda: Prevalence of forced marriage in Uganda and the availability of state protection (2000-2004)  
Research Directorate, Immigration and Refugee Board, Ottawa

#### Widow inheritance

Several cultural groups in Uganda practise the traditional custom of widow inheritance (levirate marriage), which occurs when a widow is "inherited" by a male in-law (usually the brother of the deceased husband) who takes her as his wife (OSSREA Feb. 2004; HRW Aug. 2003, 3; CRWRC Jan. 2002). Originally, the practice of widow inheritance protected widows and their children by ensuring that they would not face hardship after losing the family breadwinner (*ibid.*). A report by Human Right Watch (HRW) on domestic abuse and Human Immunodeficiency Virus (HIV) infection in Uganda indicates that the practice of widow inheritance is "widespread" (Aug. 2003, 19).

In 28 August 2004 correspondence, a professor of Population Studies at Makerere University in Uganda reported that the practice appears to be common in eastern and northern Uganda, and less common in western and central Uganda (28 Aug. 2004). He believed that the practice is in decline as a result of HIV/AIDS (Acquired Immune Deficiency Syndrome) awareness campaigns (professor, Makerere University 28 Aug. 2004).

In 3 September 2004 correspondence, a medical anthropologist who spent seven years researching sexual behaviour in Masaka district in Uganda reported that the practice of widow inheritance is "prevalent" among various groups in south-western Uganda (3 Sept. 2004). She expressed the opinion that this practice is not in decline, but that it is becoming more symbolic than sexual in nature (medical anthropologist 3 Sept. 2004).

In several reports and articles about the spread of HIV/AIDS in Uganda, the practice of widow inheritance was mentioned as increasing the spread of HIV among extended family members (New Vision 14 May 2004; Carnegie Council Fall 2003; HRW Aug. 2003, 3; CRWRC Jan. 2002). The Carnegie Council on Ethics and International Affairs argues that the combination of polygamy and widow inheritance traditions increases the risk for women of contracting HIV since men may have many sexual partners (Fall 2003).

The medical anthropologist doubted that statistics on widow inheritance would be available since she said that little research has been conducted on the subject and because widow inheritance "is not recognized among the constitutionally acceptable forms of marriage" (3 Sept. 2004).

For further information on the practice of widow inheritance in Uganda, please see Response to Information Request UGA37758.E of 12 September 2001.

#### Early forced marriage

According to the International Center for Research on Women (ICRW), the internationally recognized age of legal marriage is 18 years (ICRW 2003). Early marriage is common in Uganda where 50% of girls between the ages of 15 and 18 are married (ICRW 2003; UNICEF Mar. 2001). UNICEF reports that Ugandan law does not require that women consent to their marriage (Mar. 2001). The long-delayed Domestic Relations Bill would establish a minimum age for marriage (HRW 2003, 48). For information on the practice of early forced marriage in Uganda, please see Responses to Information Request UGA35011.E and UGA35148 of 31 August 2000.

#### Karamojong marriage practice

A 2003 United Nations report on the human rights of women mentioned a traditional custom of men of the Karamojong ethnic group in the north-eastern section of Uganda, who claim unmarried women as wives by raping them (UN 27 Feb. 2003, Sec. 613). According to this report, about twenty women were raped between February

and July 2000 (ibid.). *Country Reports 2002* mentioned that there had not been any reports of this practice occurring in 2002, but that it had occurred in 2001 (31 Mar. 2003, Sec. 1b). Further details on the prevalence of this custom were not found among the sources consulted by the Research Directorate.

### **State protection**

Information on state protection for victims of early forced marriage or for victims of rape-leading-to-marriage was not found among the sources consulted by the Research Directorate.

Regarding state protection for widows who refuse to be inherited, the professor at Makerere University reported that some women who defied the practice had lost access to their children and to the property previously shared with their deceased husbands (28 Aug. 2004). He said that the police and the courts are unlikely to help since traditional customs vary according to region, and most widows are too poor to access the legal system (professor, Makerere University 28 Aug. 2004).

The medical anthropologist explained that even educated women were likely to accept widow inheritance since, in Uganda, traditional beliefs often take precedence over state regulations (3 Sept. 2004). She also noted that in many cases, women lacked the resources to access the legal system if they wished to challenge the practice (medical anthropologist 3 Sept. 2004).

In 2003, Human Rights Watch (HRW) published a report on women's vulnerability to HIV infection in Uganda and criticized the government for failing to protect women (Aug. 2003). The report indicated that women lacked "adequate recourse to state protection" in cases of domestic abuse (HRW Aug. 2003). In addition, there are few shelters available for women fleeing untenable situations (ibid., 3; UN 27 Feb. 2003, Sec. 612). The report declared that the "Ugandan government has done little or nothing to prohibit such widespread practices as widow inheritance ... " (HRW Aug. 2003, 69).

The Organization for Social Science Research in Eastern and Southern Africa (OSSREA) indicated that widows reported feeling isolated and stigmatized (Feb. 2004). They reported that there were no non-governmental organizations (NGOs) that focused on widows and their specific concerns (OSSREA Feb. 2004). However, the Women of Uganda Network (WOUGNET) lists more than 50 women's organizations active in Uganda as of August 2004 (2 Aug. 2004).

The Carnegie Council has criticised the government of Uganda for failing to enact laws to protect women and for failing to bring the long-awaited Domestic Relations Bill into force (Fall 2003).

### **Domestic Relations Bill**

Since 1987, Uganda has been debating a Domestic Relations Bill that would prohibit widow inheritance, establish a minimum age for marriage and legislate relations between men and women that have until now been regulated by local customs (New Vision 19 Dec. 2003; *The East African* 15 Dec. 2003; HRW Aug. 2003, 48). Several articles indicated that the proposed bill enjoys broad support among women's groups, but faces criticism from men and various Muslim groups in Uganda (Episcopal Church 12 Mar. 2004; *The Monitor* 5 Mar. 2004; Africa-On-Line. 18 Nov. 2003; *The East African* 15 Dec. 2003). The bill was tabled in December 2003 (Panos 4 May 2004; Uganda 9 Dec. 2003), but as of September 2004, it had not become law (professor, Makerere University 4 Sept. 2004).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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